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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,508	03/10/2005	Stefan N. Chivarov	30940/32000	9935
4743	7590	09/26/2006		
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER NGUYEN, PHUNG	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/527,508	<b>Applicant(s)</b> CHIVAROV, STEFAN N.	
	<b>Examiner</b> Phung T. Nguyen	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/10/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ragner et al. (U.S. Pat. 6,175,196).

**Regarding claim 1:** Ragner et al. disclose photo-sensitive illuminated skate wheel comprising light sources including a plurality of light emitting diodes, evenly disposed in an array on a substrate and connected by means of a driver to a microcontroller having an independent power supply and mounted on the substrate, and a synchronization sensor connected to the microcontroller, the LEDs being of one or various colors, wherein the LEDs are RGB, the substrate is flexible, and the synchronization sensor responds to gravity when mounted on a rotating surface, whose rotation axis is not perpendicular to the earth's surface or if the rotation axis is perpendicular to the earth's surface, the synchronization sensor is actuated at a position relative to a given immovable point, and wherein a light sensor is connected to the microcontroller which in turn is connected to a control panel, the two sensors and the controlling panel are disposed on the substrate and the microcontroller has a serial interface (Fig. 1, col. 2, lines 50-56, col. 3, lines 60-65, col. 4, lines 30-40, and col. 6, lines 49-61).

**Regarding claim 2:** Ragner et al. disclose wherein the substrate may accommodate additional P parallel groups of LEDs, containing the same or different numbers of LEDs,

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which have the same or different colors, or are RGB, wherein these groups of LEDs are arranged in one of an array, a checkered pattern, or in any other preset pattern in the same plane or at various distances from the substrate (col. 5, lines 1-6).

**Regarding claim 3:** Ragner et al. inherently disclose wherein the substrate is hard and has a preset profile (col. 6, lines 49-52).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ragner et al. (U.S. Pat. 6,175,196).

**Regarding claim 4:** Ragner et al. do not specifically teach wherein the bottom of the substrate is covered with a sticky foil as claimed. However, Ragner et al. disclose a device for visualization of information on a rotating visible surface that can be placed in the proper position on the wheel (col. 6, lines 49-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the sticky foil in the system of Ragner et al. if desired.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- a. Khan [U.S. Pat. 6,789,928] discloses automatic mechetronic wheel light device.
- b. Geran [U.S. Pat. 5,584,562] discloses bicycle wheel with battery powered safety lights.
- c. Hock [U.S. Pat. 6,492,963] discloses electronic display apparatus.
- d. Todorox [U.S. Pat. 7,046,131] discloses display method and apparatus.
- e. Yu [U.S. Pat. 6,072,386] discloses bicycle spoke warning light device capable of setting and displaying characters.
- f. Ragner [U.S. Pat. 6,485,169] discloses deformation-activated safety light for elastic tires.
- g. Brown [U.S. Pat. 6,016,101] discloses illuminating bicycle reflector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Phung Nguyen



Date: September 22, 2006